

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

vs.

Civil Action No 05-178Erie

CHARLES G. MOON and  
MARY ROBBIN MOON

Defendants

**MOTION FOR ALTERNATIVE SERVICE**

AND NOW, comes Plaintiff, the United States of America, by and through its counsel, Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania and the Bernstein Law Firm, P.C., private counsel to the United States of America, and files its Motion for Alternative Service, as follows:

1. Plaintiff the United States of America filed a Complaint in Mortgage Foreclosure on June 10, 2005, against Defendants Charles G. Moon and Mary Robbin Moon, with regard to certain property located in Venango County, Pennsylvania, as more fully described in Plaintiff's Mortgage
2. Plaintiff attempted to serve Defendants with the Complaint in Mortgage Foreclosure through the U.S. Marshal service at their last known address at 3 Oak Grove Street, Oil City, PA 16301, being the property address.

3. The U.S. Marshal was unable to serve the Defendants, after several attempts and reports that notices were placed in door. True and correct copies of the Marshal's (Form 285) return of no service are attached hereto, marked as Exhibit "1" and made a part hereof.
4. The Plaintiff obtained recent credit report for Defendants, which lists Defendants' current address as 3 Oak Grove Street, Oil City, PA 16301, being the subject property address.
5. Plaintiff has also investigated Defendants' whereabouts with Directory Assistance, which confirmed 3 Oak Grove Street, Oil City, PA 16301 is the current address for the Defendants.
6. Plaintiff made inquiry of the Venango County Office of Voter Registration a representative of which advised that the Defendants are registered to vote in Venango County with a registered address of 3 Oak Grove Street, Oil City, PA 16301, which is the property address.
7. Plaintiff inquired with the U.S. Postmaster of Oil City, PA for a change of address for the Defendant. The Postmaster advises that the address of 3 Oak Grove Street, Oil City, PA 16301, is the correct address for the Defendants. True and correct copies of the Postal Letters are attached hereto, marked as Exhibit "2" and made a part hereof.
8. Rule 430 of the Pennsylvania Rules of Civil Procedure provides that if service cannot be made under the applicable rule, the Plaintiff may move the court for a special order directing the method of service.

9 With respect to real property actions, Pennsylvania Rule of Civil Procedure 410 provides that if service is made pursuant to an Order of Court under Rule 430(a), the Court shall direct one or more of the following methods of service:

- (1) publication as provided by Rule 430(b),
- (2) posting a copy of the original process on the most public part of the property,
- (3) registered mail to the defendants' last known address, and
- (4) such other methods, if any, as the court deems appropriate to give notice to the Defendants.

10 Plaintiff believes that adequate service on the Defendants in this case will be provided by posting a copy of the original process on the most public part of the mortgaged property at 3 Oak Grove Street, Oil City, PA 16301.

WHEREFORE, Plaintiff requests that this Honorable Court enter an Order authorizing service of process on Defendants, Charles G Moon and Mary Robbin Moon by posting the mortgaged premises known as 3 Oak Grove Road, Oil City, PA 16301.

Respectfully submitted,

BERNSTEIN LAW FIRM, P C

By: 

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